

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1844**

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**Introduced by Assembly Member Campos**

**(Coauthors: Assembly Members *Alejo, Allen, Gordon, Roger Hernández, Hueso, Lara, Perea, Portantino,—and Wagner, Wieckowski, and Yamada*)**

February 22, 2012

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An act to add Chapter 2.5 (commencing with Section 980) to Part 3 of Division 2 of the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL’S DIGEST

AB 1844, as amended, Campos. Employer use of social media.

Existing law generally regulates the conduct of employers in the state.

This bill would prohibit an employer from requiring *or requesting* an employee or ~~prospective employee~~ *applicant for employment* to disclose a user name or ~~account~~ password ~~to access a~~ *for accessing* personal social media ~~account that is exclusively used by the employee or prospective employee or to access personal social media, as specified.~~ *This bill would also prohibit an employer from discharging, disciplining, threatening to discharge or discipline, or otherwise retaliating against an employee or applicant for exercising any right under these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2.5 (commencing with Section 980) is added to Part 3 of Division 2 of the Labor Code, to read:

CHAPTER 2.5. EMPLOYER USE OF SOCIAL MEDIA

980. (a) As used in this chapter, “social media” ~~includes any means an electronic medium where users may create, share, and view user-generated content, including uploading or downloading videos or service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, or online social networking content e-mail, online services or accounts, or Internet Web site profiles or locations.~~

(b) An employer shall not require or request an employee or applicant for employment to do either of the following:

(1) Disclose a user name or password for accessing personal social media.

(2) Access personal social media, whether in or outside of the presence of the employer.

(c) Nothing in this section is intended to affect an employer’s existing rights and obligations to investigate alleged workplace misconduct.

(d) An employer shall not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against an employee or applicant for exercising any right of the employee or applicant pursuant to this section. However, this section does not prohibit an employer from terminating or otherwise taking an adverse action against an employee or applicant if otherwise permitted by law.

~~981. An employer shall not require an employee or prospective employee to disclose a user name or account password to access a personal social media account that is exclusively used by the employee or prospective employee.~~

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